

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THE CHAMBERLAIN GROUP, INC.,

Plaintiff,

v.

SHARY NASSIMI,

Defendant.

CASE NO. C09-5438BHS

ORDER GRANTING
PLAINTIFF'S MOTION TO
CONTINUE TRIAL DATE
AND RELATED DATES

This matter comes before the Court on Plaintiff's ("Chamberlain") Motion to Continue Trial Date and Related Dates. (Dkt. 97). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and makes the following findings:

(1) Chamberlain will be substantially prejudiced if Mr. Mordell, a key witness in rebuttal to a recently filed counterclaim, cannot participate in trial.

(2) The dispositive motions in this case have been compressed, largely due to the parties having stipulated to extend pretrial deadlines and motions due dates on several occasions. Resetting the trial date will allow time for the parties to better prepare for trial in light of the Court's rulings.

1 (3) Mr. Wier's unavailability is not due to fault of his own or his client, and
2 Chamberlain will be prejudiced if Mr. Wiers cannot participate in trial.

3 (4) The prejudice to Nassimi in increased litigation costs is outweighed by the
4 more substantial prejudice to Chamberlain.

5 (5) Chamberlain has established good cause to continue the trial date.

6 Therefore, it is hereby **ORDERED** that Chamberlain's Motion to Continue Trial
7 Date and Related Dates is **GRANTED**.

8 Trial is continued to December 7, 2010 at 9:00 a.m.

9 Pretrial Conference is set for November 15, 2010 at 2:30 p.m.

10 Voir dire, joint-jury instructions and trial briefs are due by November 10, 2010.

11 DATED this 20th day of September, 2010.
12

13 
14 _____
15 BENJAMIN H. SETTLE
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28